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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,161	09/09/2004	Yasusumi Tanaka	57822-20001.00	4117

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER	
O HERN, BRENT T	
ART UNIT	PAPER NUMBER
1772	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/507,161	TANAKA, YASUSUMI	
	Examiner	Art Unit	
	Brent T. O'Hern	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-47,50 and 51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *30-47,50 and 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims

1. Claims 30-47 and 50-51 are pending with claims 1-29 and 48-49 cancelled and claims 50-51 new.

WITHDRAWN REJECTIONS

2. The 35 U.S.C. 112, second paragraph rejection of claims 35-36, 44-45 and 49 of record in the Office Action mailed 7 August 2006, page 2, paragraph 1, have been withdrawn due to Applicant's amendments in the Paper filed 1 November 2006.

3. The 35 U.S.C. 102(b) rejection of claims 30-36, 39-45 and 48-49 as being anticipated by Tindoll et al. (US 6,070,727) of record in the Office Action mailed 7 August 2006, page 3, paragraph 2, has been withdrawn due to Applicant's amendments in the Paper filed 1 November 2006.

4. The 35 U.S.C. 103(a) rejection of claims 37-38 and 46-47 as being as being unpatentable over Tindoll et al. (US 6,070,727) of record in the Office Action mailed 7 August 2006, page 7, paragraph 3, has been withdrawn due to Applicant's amendments in the Paper filed 1 November 2006.

NEW REJECTIONS

35 U.S.C. 102(a)

5. Claims 30-36, 39-45 and 50-51 are rejected under 35 U.S.C. 102(a) as being anticipated by Newman (US 6,722,502).

Regarding claim 30, Newman ('502) teaches a packing material *(See col. 1, ll. 5-7 and FIG-1, #100.)*, comprising a first triangular wall *(FIG-1, top triangular wall #102.)*; a second triangular wall *(FIG-1, bottom triangular wall #102.)*;

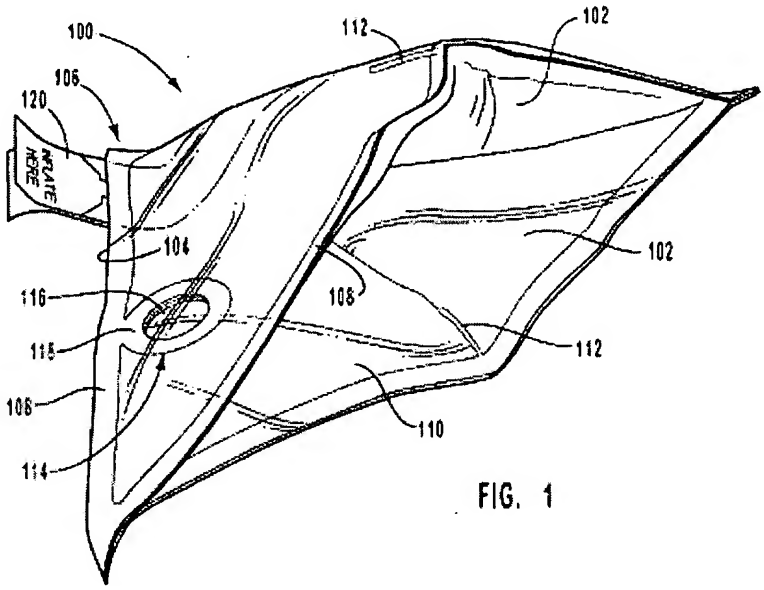

FIG. 1

a first rectangular side wall *(FIG-4, left rectangular wall #104)*; and a second rectangular side wall *(FIG-4, right rectangular wall #104) and* a valve *(FIG-1, #120)*,

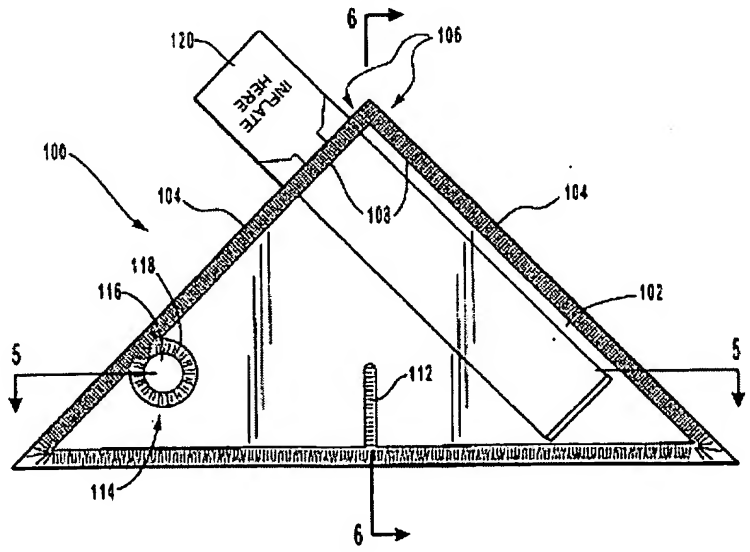

FIG. 4

wherein the first rectangular side wall connects a first side of the first triangular wall and a first side of the second triangular side wall *(FIG-5, wherein the 1st sides of the triangles are connected by the 1st rectangular side wall at the left #118.)*, the second rectangular side wall connects a second side of the first triangular wall and a second side of the second triangular wall *(FIG-5, wherein the 2nd sides of the triangles are connected by the 2nd rectangular side wall at the right #118, not numbered.)*,

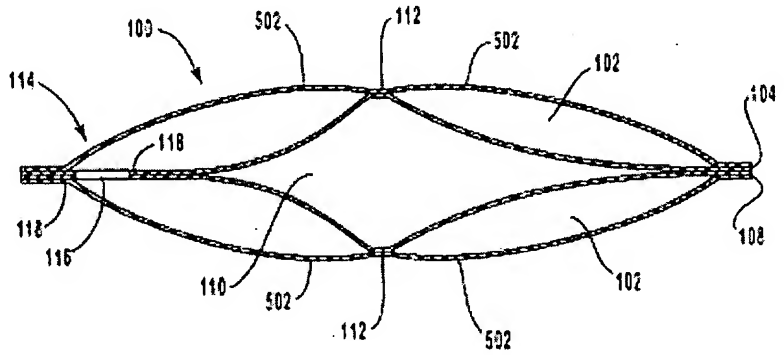

FIG. 5

and a third side of the first triangular wall and a third side of the second triangular wall are not connected to the first or second rectangular side wall so that an opening is created along the third sides of the first and second triangular walls (*See FIG-2 wherein the 3rd sides of the triangles are not connected, thus allowing #100 to slide over #204.)* and the first side of the first triangular wall has the same length as the second side of the first triangular wall, and the first side of the second triangular wall has the same length as the second side of the second triangular wall *(See FIG-4 wherein the 1st and 2nd sides of the 1st and 2nd triangles are all of the same length.)*.

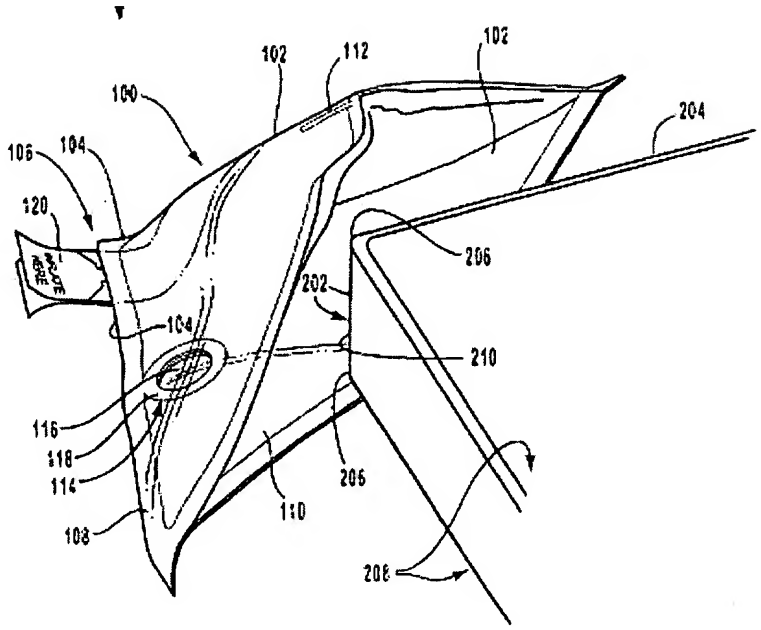

FIG. 2

The phrases **"inflatable"** in claim 30, in each of lines 2-5 and claim 39, lines 3-5, **"configured to inflate the first and second triangular walls and the first and second rectangular side walls"** in claim 1, lines 6-7 and **"configured to inflate the bottom wall and the first and second side wall"** in claim 39, line 6, is not given any patentable weight since the applicant is introducing **use** limitations into the product claims *(see MPEP 2173 (q))*.

The phrase **"formed by holding a gas bag"** in claims 30, 39, 50 and 51, line 1 of each claim are **process limitations** in product claims and hence not given any patentable weight since patentability of a product does not depend on its method of production *(see MPEP § 2173.05(p))*.

Regarding claim 31, Newman ('502) teaches a material further comprising a partition separating a portion of the gas bag from another portion of the gas bag *(FIG-1, partition #112)*.

Regarding claim 32, Newman ('502) teaches a material wherein the partition comprises a film adhered to an inside wall of the gas bag *(FIG-5, wherein #112 is adhered to the inside of #100.)*.

Regarding claim 33, Newman ('502) teaches a material further comprising a set of vertical partitions so that the gas bag is divided into a plurality of sub bags with respect to a plane parallel to a primary plane of the air bag, wherein each of the vertical partitions comprises a film *(See col. 5, ll. 15-24 and FIGs 3 and 5 multiple #100 with multiple sub bags #102.)*.

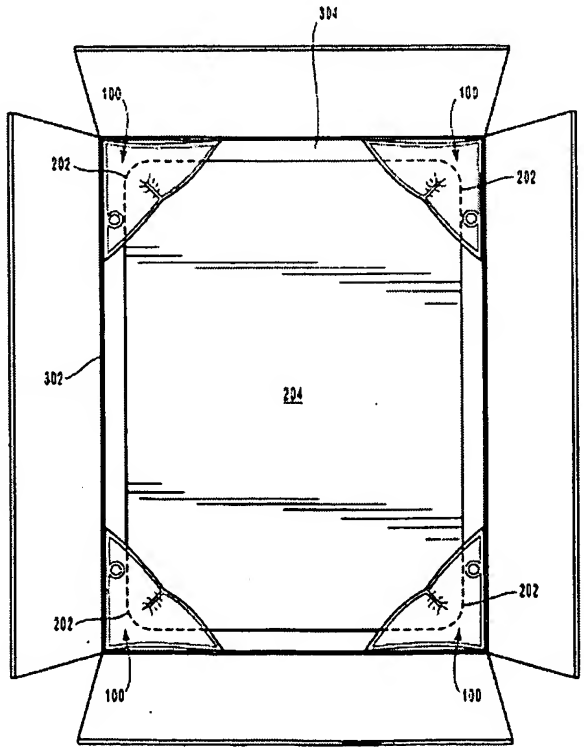

FIG. 3

Regarding claims 34-36, Newman ('502) teaches a material further comprising a horizontal partition so that the gas bag is divided into a plurality of sub bags with respect to a plane normal to the primary plane, and another set of the vertical partitions, wherein the set of vertical partitions and the another set of the vertical partitions are disposed on opposite sides of the horizontal partition *(See col. 5, ll. 15-24 and FIGs 3 and 5 multiple #100 with multiple sub bags #102 having partitions #112.)*.

Regarding claim 39, Newman ('502) teaches a material adapted to cover a corner portion of an object, comprising

a bottom wall that is triangular or rectangular *(FIG-2, #100 with bottom wall #102 over #204)*;

a first side wall that stands on a first side of the bottom wall *(FIG-5, left wall at #118)*; and

a second side wall that stands on a second side of the bottom wall *(FIG-5, right wall at #118, not numbered)*, and a valve *(FIG-1, #120)*,

wherein an apex formed by the bottom wall and the first and second side walls is configured to cover the corner portion of an object *(FIGs 2-3, #100 over #204)*.

Regarding claim 40, Newman ('502) teaches a material further comprising a partition separating a portion of the gas bag from another portion of the gas bag *(See col. 5, ll. 15-24 and FIGs 2-3 multiple #100 with partition #112 partitioning the bags.)*.

Regarding claim 41, Newman ('502) teaches a material wherein the partition comprises a film adhered to an inside wall of the gas bag *(See col. 5, ll. 15-24 and FIGs 2-3 wherein the partitions are adhered to the inside wall of the bag.)*.

Regarding claim 42, Newman ('502) teaches a material further comprising a set of vertical partitions so that the gas bag is divided into a plurality of sub bags with respect to a plane parallel to a primary plane of the air bag, wherein each of the vertical partitions comprises a film *(See col. 5, ll. 15-24 and FIGs 5 and 3 wherein the film areas vertically and horizontally partition the bag with respect to a plane of the bag.)*.

Regarding claims 43-45, Newman ('502) teaches a material further comprising a horizontal partition so that the gas bag is divided into a plurality of sub bags with respect to a plane normal to the primary plane, and another set of the vertical partitions, wherein the set of vertical partitions and the another set of the vertical partitions are disposed on opposite sides of the horizontal partition *(See col. 5, ll. 15-24 and FIGs 5 and 3 wherein the horizontal partitions, divide the bag with respect to the plane normal to the primary plane and the vertical partitions are situated on the rectangular sides and top and bottom surfaces.)*.

Regarding claim 50, Newman ('502) teaches a packing material *(See col. 1, ll. 5-7 and FIG-1, #100.)*, comprising:

a first triangular wall *(FIG-1, top triangular wall #102.)*; a second triangular wall *(FIG-1, bottom triangular wall #102.)*; a first rectangular side wall *(FIG-4, left rectangular wall #104)*; and a second rectangular side wall *(FIG-4, right rectangular wall #104)*, wherein the first rectangular side wall connects a first side of the first triangular wall and a first side of the second triangular side wall *(FIG-5, wherein the 1st sides of the triangles are connected by the 1st rectangular side wall at the left #118.)*, the second rectangular side wall connects a second side of the first triangular wall and a second

side of the second triangular wall *(FIG-5, wherein the 2nd sides of the triangles are connected by the 2nd rectangular side wall at the right #118, not numbered.)*, a third side of the first triangular wall and a third side of the second triangular wall are not connected to the first or second rectangular side wall so that an opening is created along the third sides of the first and second triangular walls(*See FIG-2 wherein the 3rd sides of the triangles are not connected, thus allowing #100 to slide over #204.)*, and the first triangular wall comprises a first sub bag *(FIG-5, sub bag #102 at right)*, a second sub bag disposed on the first sub bag and a horizontal partition separating the first and second sub bags *(FIGs 5 and 4 with left second sub bag #102 on the first sub bag with horizontal partition #112 at the left and second bottom sub bag #102 on the first sub bag with horizontal partitions separating the bags.)*.

Regarding claim 51, Newman ('502) teaches a packing material and adapted to cover a comer portion of an object *(See col. 1, ll. 5-7 and FIG-2, #100 over #204.)*, comprising:

a bottom wall that is triangular *(FIG-1, bottom triangular wall #102.)*; a first side wall that stands on a first side of the bottom wall *(FIG-4, left rectangular wall #104)*; and a second side wall that stands on a second side of the bottom wall *(FIG-4, right rectangular wall #104)*, wherein an apex formed by the bottom wall and the first and second side walls is configured to cover the comer portion of an object *(See FIG-2, wherein the apex is formed at the inner corner of the bag and covers #204.)*, and the bottom wall comprises a first sub bag *(FIG-5, sub bag #102 at right)*, a second sub bag disposed on the first sub bag and a horizontal partition separating the first and second

sub bags *(FIGs 5 and 4 with left second sub bag #102 on the first sub bag with horizontal partition #112 at the left and second bottom sub bag #102 on the first sub bag with horizontal partitions separating the bags.).*

35 U.S.C. 103(a)

6. Claims 37-38 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (US 6,722,502).

Regarding claims 37 and 46, Newman ('502) teaches the material discussed above, however, fails to expressly disclose wherein a sub bag above the horizontal partition is narrower than a sub bag below the horizontal partition so that a step structure is formed on a surface of the air bag.

However, Newman ('502) teaches a bag with sub bags used to protect articles with various sizes and features, thus it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to vary the dimensions of the bag so as to form a step structure for the purpose of protecting articles with various sizes and features *(See col. 5, ll. 15-24 and 49-51.)*.

Regarding claims 38 and 47, Newman ('502) teaches the material discussed above, however, fails to expressly disclose wherein a sub air bag in the first triangular (triangular bottom) wall located adjacent the third side of the first triangular wall (a side of the triangular bottom wall opposite from the apex) is shorter than a sub bag in the first triangular (triangular bottom) wall located away from the third side of the first triangular wall (triangular bottom).

However, Newman ('502) teaches a bag with sub bags used to protect articles with various sizes and features, thus it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to vary the dimensions of the bag for purpose of protecting articles with various sizes and features *(See col. 5, ll. 15-24 and 49-51.)*.

ANSWERS TO APPLICANT'S ARGUMENTS

6. In response to Applicant's argument *(p. 7, para. 5 to p. 8, para. 5 of Applicant's Paper filed 1 November 2006)* that Tindoll ('727) does not teach the amended or newly added claims, it is noted that Applicant's amendments distinguish and overcome the 35 USC 102(b) and 103(a) rejections. However, Newman ('502) teaches all of the limitations of the pending claims, as discussed above.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BTO

Brent T O'Hern
Examiner
Art Unit 1772
December 7, 2006

NASSER AHMAD
PRIMARY EXAMINER
12/14/06